

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

DANIEL FRISCHBERG and MICHELLE PEREZ

DEFENDANTS

GLOBAL SERVICE GROUP, LLC and JOHN DOE

(b) County of Residence of First Listed Plaintiff Camden
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Andrew M. Milz, Esq., Flitter Lorenz, P.C. 525 Route 73 South, Suite 200,
Marlton, NJ 08053 (856-396-0600)

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
47 U.S.C. 227

Brief description of cause:
Telephone Consumer Protection Act

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

DANIEL FRISCHBERG
and
MICHELLE PEREZ

Plaintiffs,

vs.

GLOBAL SERVICE GROUP, LLC
and
JOHN DOE,

Defendants.

CIVIL ACTION NO.

COMPLAINT

I. INTRODUCTION

1. This is an action for damages brought by two consumers for violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227 (hereinafter “TCPA”), Fair Debt Collection Practices Act, 15 U.S.C. §1692 (“FDCPA”), and state law.

2. Defendants harassed the Plaintiffs with autodialed collection calls over a bogus account that neither owed in violation of the TCPA. All of these calls were made without Plaintiffs’ consent in violation of the TCPA. Defendants also violated the FDCPA, which prohibits misleading and harassing conduct in the effort to collect a debt.

3. Defendants harassed the Plaintiffs with repeated autodialed collection calls to their cell phones, in violation of the TCPA and FDCPA.

II. JURISDICTION AND VENUE

4. This Court has federal question subject matter jurisdiction over Plaintiffs’ TCPA and FDCPA claims pursuant to 28 U.S.C. § 1331; *Mims v. Arrow Fin. Ser., Inc.*, 132 S.Ct. 740 (2012).

5. Supplemental jurisdiction for Plaintiff's state law claims arises under 28 U.S.C. § 1367.

6. Venue in this Court is proper in that Plaintiffs reside here, the conduct complained of occurred here, and the Defendants transact business here.

III. PARTIES

7. Plaintiff Daniel Frischberg is a natural person residing in Cherry Hill, NJ.

8. Plaintiff Michelle Perez is a natural person residing in Cherry Hill, NJ.

9. Plaintiffs are brother and sister.

10. Defendant Global Service Group, LLC ("Defendant" or "GSG") is a company located in Chicago, Illinois, the principal purpose of which is to assist other companies in managing and collecting overdue accounts. *See* <http://globalsvcgroup.com/>. GSG is a debt collector pursuant to the FDCPA.

11. John Doe is the agent of GSG, is currently unknown, and will be determine through additional investigation and discovery.

12. Defendants will be referred to collectively as "GSG Defendants."

IV. FACTUAL ALLEGATIONS

13. Plaintiff Daniel Frischberg has a cellular telephone number assigned to a mobile phone that he carries on his person and regularly uses.

14. At all relevant times, Frischberg's phone number was assigned to a cellular telephone service that he used and paid for.

15. Plaintiff Michelle Perez has a cellular telephone number assigned to a mobile phone she carries on her person and regularly uses.

16. At all relevant times, Perez's phone number was assigned to a cellular telephone service that she used and paid for.

17. Within the past four years, GSG Defendants began placing calls to Plaintiffs' cellular telephones.

18. Plaintiffs never had any account with GSG Defendants. Indeed, neither had ever even heard of GSG Defendants.

19. During these calls, GSG Defendants indicated they were calling to collect an alleged pay day loan.

20. Plaintiffs have no liability for any such debt.

21. GSG knew that Plaintiffs have no liability for any such debt.

22. Plaintiffs separately instructed GSG Defendants that they had no liability for the debt, and that GSG Defendants may not call their cell phones.

23. Despite Plaintiffs' instruction, the GSG Defendants continued to make calls to Plaintiffs' cell phones.

24. At no time did GSG Defendants have consent to call Plaintiffs' cellular phones.

25. GSG Defendants knew they did not have consent to call Plaintiffs' cell phone numbers.

26. GSG Defendants called Plaintiffs' cellular telephones using an automated telephone dialing system or artificial or prerecorded voice.

27. One of the voicemails Plaintiff Frischberg received said, in its entirety:

Hello, this is Beth from Global Services, please call me back at 888-240-0182 regarding a personal matter. Thank you.

28. The callers, the GSG Defendants, did not properly or completely identify themselves during each of its calls.

29. Plaintiffs did not consent to any of the calls that are the subject of this case.

30. GSG Defendants made at least 15 illegal calls to Plaintiff Frischberg.

31. GSG Defendants made at least 15 illegal calls to Plaintiff Perez.

32. The illegal telephone calls made by GSG Defendants were intentionally, willfully, and knowingly initiated.

33. Plaintiffs were substantially damaged and harmed by the violations alleged herein. GSG Defendants' calls and collection attempts caused aggravation and frustration, deprived Plaintiffs of the use of their phones, invaded their personal privacy, and wasted their time. Additionally, Plaintiffs' incurred a reduction in their cellular battery life as a result of GSG Defendants' calls.

STATEMENT OF CLAIM

COUNT ONE: TELEPHONE CONSUMER PROTECTION ACT

34. Plaintiffs repeat the allegations contained above as if the same were here set forth at length.

35. The acts and omissions by Defendants above constitute violations of the Telephone consumer Protection Act, 47 U.S.C. §227(b)(1)(A)(iii).

36. For example, Defendants violated the TCPA when it used an automatic telephone dialing system to call Plaintiffs' cellular telephone without consent.

37. Additionally, Defendants violated the TCPA by calling Plaintiffs' cell phone and played prerecorded or automated messages.

38. As a result of Defendants' actions, Plaintiffs are entitled to an award of actual damages or \$500.00, whichever is greater, for each such violation and an injunction prohibiting future conduct in violations of the TCPA.

39. Plaintiffs were damaged by these violations.

40. Defendants' violations were committed willfully and knowingly. Defendants knew that they did not have Plaintiffs' consent to call, and knew that the TCPA prohibited its prerecorded and autodialed calls, but made the calls to Plaintiff in spite of this.

WHEREFORE, Plaintiffs respectfully request that judgment be entered against Defendants for the following:

- a. Statutory damages for each call, pursuant to the TCPA;
- b. A declaration that Defendants' calls violate the TCPA and must cease;
- c. Such other and further relief as the Court shall deem just and proper.

COUNT TWO: FAIR DEBT COLLECTION PRACTICE ACT

40. Plaintiffs repeat the allegations contained above as if the same were here set forth at length.

41. The Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*, prohibits unfair acts and omissions in connection with collection of a debt

42. Defendants' actions and omissions as described above violate the FDCPA.

43. For example, it was a violation of the FDCPA for GSG not to adequately identify itself as a debt collector in its voicemails and calls to Plaintiffs. 15 U.S.C. §1692e, e(11).

44. Plaintiffs were damaged by these violations.

45. Defendants' actions and omissions as described above are otherwise deceptive, unfair, and constitute violations of the FDCPA.

WHEREFORE, Plaintiffs request that the Court enter judgment in favor of Plaintiffs and against Defendants, as follows:

- a. Statutory and actual damages under the FDCPA;
- b. Costs of suit, and attorney's fees; and any other relief the Court finds proper.
- c. Such other and further relief as the Court shall deem just and proper.

COUNT THREE – INVASION OF PRIVACY

46. Plaintiffs repeat the allegations contained above as if the same were here set forth at length.

47. Defendants, through their conduct, have repeatedly and intentionally invaded Plaintiffs' privacy.

48. Defendants' tactic of repeatedly auto dialing Plaintiffs, despite demands for the calls to stop, is highly offensive to a reasonable person.

49. Defendants intentionally intruded upon each Plaintiffs' solitude and seclusion.

50. As a result of Defendants' action or inaction, Plaintiffs have each been damaged.

51. The repetitive, auto-dialed calls to Plaintiffs have caused emotional harm and distress, embarrassment, humiliation, and other losses.

52. The calls to Plaintiffs by Defendants are harassing, aggravating and highly intrusive.

WHEREFORE, Plaintiffs request that the Court enter judgment in favor of Plaintiffs and against Defendants, as follows:

- a. Damages;

- b. Punitive damages;
- c. Such other and further relief as the Court shall deem just and proper.

V. DEMAND FOR JURY TRIAL

Plaintiffs demands a trial by jury as to all issues so triable.

Respectfully submitted:

Date:

6/19/17



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